Edward Gardner Supervisor

Patricia Gardner Town Clerk TOWN COUNCIL:

Claire LaPine Bryan Garvey James LaForest Gretel Schueller

February 11, 2016 6:00 p.m.

Supervisor Gardner called the meeting to order with the Pledge of Allegiance.

Attendance by Roll Call	Present	Excuse	d
		Councilperson LaPine Councilperson Garvey Councilperson Schueller Supervisor Gardner	Councilperson LaForest

A motion was made by Claire LaPine to accept the minutes of January 4, 2016 Organizational Seconded By: Gretel Schueller

	Yea	No
Councilperson LaPine	х	
Councilperson Garvey	х	
Councilperson LaForest	Excused	
Councilperson Schueller	х	
Supervisor Gardner	Х	

A motion was made by Bryan Garvey to accept the regular meeting of January 4, 2016. Motion Made By: Bryan Garvey

Seconded By: Claire LaPine		
	Yea	No
Councilperson LaPine	х	
Councilperson Garvey	х	
Councilperson LaForest	Excused	
Councilperson Schueller	х	
Supervisor Gardner	х	

Supervisor Gardner offered the floor to Steve Grimm, Wastewater Technician, from NY Rural Water Association. He explained that they are a federally funded technical assistance and training organization, which makes it a free service to the town. He explained what a sustainability plan is and how it will benefit the town. It includes assessing the plant, infrastructure, financial and setting goals. The plan is a self-assessment by a committee made up of himself as the facilitator, the supervisor, a councilperson (preferably one on the sewer committee), the sewer operator, the sewer rents clerk and 2 user of the sewer district. Meetings would be 2 hours in duration, once a month, taking around 6 meetings to have the plan completed. This is a precursor to what may be coming down the road as a mandate and it would be to our benefit to have this in place before. Once this plan is adopted, the town must follow it. He asked if they wanted to schedule tonight and the board responded that we need to get the committee set up first.

Supervisor offered the floor with no respondents.

Supervisor Gardner stated that members of the various boards are interested in attending the Adirondack Park Local Government Day Conference. The Town Clerk read the list of interested people: Tom Stransky, James VanHoven, Jay White and Gretel Schueller. Supervisor Gardner asked for a motion to approve attending this. Motion made by Bryan Garvey and seconded by Claire LaPine to allow these members to attend training. Roll Call:

	Yea	No
Councilperson LaPine	х	
Councilperson Garvey	Х	
Councilperson LaForest	Excused	
Councilperson Schueller	Х	
Supervisor Gardner	Х	

Supervisor Gardner asked for a motion to accept the resignation of Lauren Murphy, Zoning/Code Enforcement Officer. He stated that this is being received with regrets and that she has volunteer to stay on to help, with a restriction 30 days. Bryan Garvey made a motion to accept with regrets Lauren Murphy's resignation. Claire LaPine seconded the motion. All were in favor no nays.

Resolution 20-2016 Amend Salaries - Amendment to Resolution 2-2016

This resolution is being made to amend the salaries and hourly wages the following town employees per the budget.

Made By: Bryan Garvey	Seconded By: Gretel Schuelle	er
Position Secretary to Supervisor Bookkeeper to Supervisor Town Board Members Assistant Wastewater Superintende	Salary \$14,882.00 \$14,882.00 \$2,534.50 ent \$3601.00	
Row Call Vote: Councilperson LaPine Councilperson Garvey Councilperson LaForest Councilperson Schueller Supervisor Gardner	Yes No x x Excused x x	

Resolution 21-2016 is being made to correct Resolution 19-2016. The wording should be: to raise the transfer station fees to \$1.20 a **punch** (not pound) with tickets at \$6, \$12 and \$24 effective February 4, 2015.

Motion Made By: Claire LaPine		Seconded By: Gretel Schueller
	Yea	No
Councilperson LaPine	х	
Councilperson Garvey	х	
Councilperson LaForest	Excused	
Councilperson Schueller	х	
Supervisor Gardner	Х	

Resolution 22-2016 - Authorization for Supervisor to Sign County Snow and Ice Contract is being offered to allow the Supervisor to sign a contract with the Essex County Department of Public Works for the year 2016.

Motion Made By: Bryan Garvey		Seconded By: Gretel Schueller
	Yea	No
Councilperson LaPine	х	
Councilperson Garvey	х	
Councilperson LaForest	Excused	
Councilperson Schueller	х	
Supervisor Gardner	х	

Resolution 23-2016 is being offered to add to amend the budget.

A new line item to cover the cost of operating the web site. This resolution will add line 14804.1, Public Information & Services. Move \$500 from line 16204.01 Buildings Contractual to line 14804.1. Public Information & Services.

Motion Made By: Bryan Garvey		Seconded By:	Claire LaPine
	Yea	No	
Councilperson LaPine	Х		
Councilperson Garvey	Х		
Councilperson LaForest	Excused		
Councilperson Schueller	х		
Supervisor Gardner	Х		



Office of the New York State Comptroller Thomas P. DiNapoli <u>New York State and Local Rolling of States</u> Employees Referenced System Palec and File Referenced System 110 State Street, Albany, New York 19244-0001

Resolution providing Section 41-j (an allowance of unused sick leave credits)

Lucation Code: 30462

At a meeting of the *	of th		
held et	, New York, on offered the followi		, 20,
	offered the following	ing resolution:	
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of,20"	•		
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Retirement System will be consid	dered remixed us of the nest	mark date	eceived by the
	arrounced to an the past	cining it indite.	
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COUNTY OF	.)		
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Please note: When filing this resolution, you must submit a copy of your approved plan for granting sick leave credits. An allowance will only be made for leave credits granted to eligible employees according to this plan.

Resolution 25-2016 is being offered to appoint Catherine DeWolff to the position of Secretary of the Planning Board, on the approval of the Essex Planning Board at their meeting of January 21, 2016 meeting for a term to expire December 31, 2016, at a salary of \$3,956.00.

Motion Made By: Bryan Garvey, as amended Yea No

	rea
Councilperson LaPine	х
Councilperson Garvey	х
Councilperson LaForest	Excused

Seconded By: Claire LaPine

х

Resolution 26-2016 is being offered to update the fee schedule for all permit applications for the Town of Essex as TOWN OF ESSEX, NY follows:

PERMIT APPLICATION FEE SCHEDULE

Effective February 11, 2016

Application fees do not include required electrical inspection fees by outside agencies. An additional 50% of the application fee will be charged as a penalty for starting a project without a permit.

1.	<u>One of Two Family Home</u> (including manufactured homes, enclosed For additional required permits, see Note 1 below. Per square foot* - see Note 2 below Minimum Fee Permit for foundation only	porches and attached garages) \$ 0.10 \$ 50.00 \$ 40.00
2.	<u>Mutiple Dwellings</u> (maximum fee \$1,000.00) For additional required permits, see Note 1 below. Per square foot* - see Note 2 below Minimum Fee Permit for foundation only	\$ 0.20 \$ 150.00 \$ 75.00
3.	Buildings/Structures of Non-Residential Occupancy For additional required permits, see Note 1 below. Per square foot* - see Note 2 below Minimum Fee Permit for foundation only	\$ 0.30 \$ 150.00 \$ 50.00
4.	<u>Structures Other Than Buildings</u> (includes cellular towers, undergrou storage tanks, docks, retaining walls, solar panels, etc.)	nd \$ 50.00
5.	<u>Unattached Residential Garages, Carports & Utility Sheds/Agricultural</u> Sheds under 140 sq.ft require no permit; for additional required perm Per square foot* - see Note 2 below Minimum Fee	-
6.	<u>All Additions</u> (including enclosed porches and attached garages) For additional required permits, see Note 1 below. Per square foot* - see Note 2 below Minimum Fee <u>Note 1</u> : Additional permits and fees required for septic, fuel burning Exception: No additional fee required for furnaces and attached chim (1) – (6) above. Permit is required.	neys when issued with
	Note 2: STAMPED PLANS ARE REQUIRED FOR HOMES OVER 1,500 S STRUCTURAL ALTERATIONS OVER \$10,000.	QUARE FEET, FOR ALL COMMERCIAL BUILDINGS, AND FOR
	*Sq. footage based on outside dimensions of building; shall include h	abitable basements/attached garages.
7.	Demolition	\$ 50.00
8.	<u>Decks and Open Porches</u> (no fee for accessibility ramps on single Per square foot Minimum Fee	e family homes) \$ 0.15 \$ 35.00
9.	<u>Mobile Homes</u> (aka single-wide trailers) Includes porches, decks & entries up to 50 sf.	\$ 75.00
10.	Swimming Pools Above- or below-ground Enclosures around pre-existing pools	\$ 50.00 \$ 20.00

11.	Solid, Liquid or Gas Burning Devices If applied with any #1-6 above	\$	50.00	\$	10.00
12.	<u>Chimney Permit</u> If applied with any #1-6 above			\$ \$	50.00 10.00
13.	Fuel Burning Device and Chimney (applied for together)	\$	50.00		
14.	Septic Systems (new or repairs)			\$	65.00
15.	Signs			\$	25.00
16.	Conversion or Change of Occupancy	\$	50.00		
17.	Home Occupation	\$	50.00		
18.	Zoning Permit (setbacks for agricultural buildings, etc.)	\$	20.00		
19.	Certificate of Inspection (Final inspection; no permit issued)	\$	75.00		
20.	Fire Safety Inspection (as required by NYS Building/Fire Codes)	\$	25.00		
21.	Building Permit Renewal Based on Current Fee 1 Year 2 Years				3% 57%
22.	Zoning Board of Appeals		50.00		
	Use or Area Variance; Interpretations	\$	50.00		
23.	Lot Line/Boundary Line Adjustments	\$	30.00		
24.	Minor Subdivisions	\$	75.00		
25.	Major Subdivisions	\$	100.00		\$10/lot
26.	Special Use Permit Includes basic SUP, SUP w/site plan review & abbreviated SUP w/site plan	\$ re\	50.00 /iew.		
27.	<u>Miscellaneous Fees</u> Abutters Fee (per page) Photocopies (per page) Returned Check Fee	\$	35.00	\$ \$	1.00 0.25

There will be a \$50.00 fee to reschedule public hearings in all Planning Board cases, when postponed by the applicant after legal notices are sent out to the newspapers and abutters.

An escrow account may be established for all applicants for Major Subdivisions and Special Use Permits to cover the cost of legal, planning, engineering, and other consultant fees. The Planning Board, at it's discretion, and when needed, may establish an escrow account for Minor Subdivisions. Environmental Review Fee: Preparation of an Environmental Impact Statement, environmental documents, and review of impacts addressed under SEQRA will be charged to the applicant. Actual costs up to the limits stipulated in 6NYCRR Park 617.13 b, c, and d (as may be amended) will be charged. An escrow account will be established for the purpose of this review.

Waiver of Fees: The Planning Board shall have the option to waive or reduce fees at its discretion, e.g. for low-income housing, religious institutions, accessory apartments, and minor renovations costing under \$2,500, or where the Planning Board makes a finding that because of the unique circumstances of an application, applying the fees would be an undue hardship and contrary to the intent of the fee schedule.

Motion Made By: Bryan Garvey		Seconded By: Gretel Schueller
	Yea	No
Councilperson LaPine	х	
Councilperson Garvey	Х	
Councilperson LaForest	Excused	
Councilperson Schueller	Х	
Supervisor Gardner	Х	

Resolution 27-2016 is being offered as a resolution of condolence to the family of Edward Hoskins, husband of Audrey Hoskins, former Town Clerk of the Town of Essex and longtime resident.

Motion Made By: Supervisor Edward Gardner Unanimous Second

Councilperson LaPine Councilperson LaForest

Councilperson Garvey Councilperson Schueller

Resolution 28-2016, a resolution of condolence to the family of Waite J. Palmer, is being offered by the Town Board, who moved its adoption.

WHEREAS, Waite Palmer, formerly of Essex, NY, passed away at the age of 62 on January 15, 2016; and

WHEREAS, Waite Palmer was born on August 1, 1953, the son of the late Lyman and Tina (King) Palmer; and

WHEREAS, Waite J. Palmer was married to Shelly Mero and; and

WHEREAS, Waite J. Palmer, was a two term Superintendent of Highways for the Town of Essex; and

WHEREAS, Waite J. Palmer, was a lifetime member of the Whallonsburgh Volunteer Fire Department; and

BE IT RESOLVED, that the Town Board of Essex express their deepest sympathy and condolences to the family of Waite J. Palmer; and

BE IT FURTHER RESOLVED, that this resolution be spread upon the minutes of the Town Board, with a suitably embossed copy thereof to be forwarded to the Palmer family.

Motion Made By: Supervisor Edward Gardner

Unanimous Second Councilperson LaPine Councilperson Garvey Councilperson LaForest Councilperson Schueller

Resolution 29-2016 is being offered in appreciation to Dr. H Nicolas Muller III

WHEREAS: Dr. H Nicholas Muller III has devoted twelve years of service to the Town of Essex Planning Board; and

WHEREAS: Dr. H Nicolas Muller III, has made many positive contributions to the work of the Town of Essex Planning Board; and

WHEREAS: Dr. H Nicolas Muller III, has consistently shown sound judgment and fairness in considering the merits of proposals that come before the Town of Essex Planning Board; and

WHEREAS Dr. H. Nicolas Muller III has often provided valuable and timely guidance to the Town of Essex Planning Board in following correct procedures in its deliberations;

BE IT RESOLVED, that Town Board of the Town of Essex by this resolution does hereby thank Dr. H Nicolas Muller III for his steadfast service to the Town of Essex Planning Board.

BE IT FURTHER RESOLVED, that this resolution be spread upon the minutes of the Town Board, with a suitably embossed copy thereof to be forwarded Dr. H Nicolas Muller, III.

Motion Made By: Supervisor Edward Gardner

Unanimous Second: Councilperson LaPine Councilperson Garvey Councilperson LaForest Councilperson Schueller

Supervisor Gardner asked for a motion to open up for replacing position of Code Enforcement Officer. Motion Made by Claire LaPine and seconded by Bryan Garvey. Supervisor Gardner stated that he has given the board the information for the various ways to fill the position. Hiring a qualified person, contracting out, using our shared service agree with Willsboro and lastly the option that if we do nothing it reverts back to the state. Supervisor Gardner stated the Essex County opted out the code enforcement with the state so we cannot go to them. Bryan stated that when this came out he emailed all that there were at least two people in the town interested in the position and that he feels it should be a posted advertised position. Claire stated that she has no problem with advertising but that they must be qualified, as her investigations has revealed. Gretel stated that they only need to complete required training. Claire suggested that the board members call Monica Feely at the county for the requirements. Bryan suggested that we go with the shared service contract with Willsboro adding that the pay be per-diem and also advertise for the position. Gretel feels that regardless the position should be opened up to candidates. Supervisor Gardner said his opinion is with the contract as it is that either party can get out of it with a 60 day notice. So let's try it with Willsboro as a shared service. That way we are filling the gap otherwise we would have to go to the state. Gretel was concerned with the wording of the proposed contracting stating the hours devoted here were not enough. Supervisor Gardner read the part of the contract where it states "as needed". Supervisor Gardner also stated that by using a shared service, the efficiency of it works into the tax freeze check program that everyone in the town benefits from. After more discussion on this, the current motion was not closed but instead the following 2 motions were made.

Resolution 31-2016 is being made to authorize the Supervisor to sign a contract, with the Town of Willsboro, for Shared Services of Code Enforcement Officer, with change of prorated salary.

Motion Made By: Bryan Garvey with addition.		Seconded By: Claire LaPine	
	Yea	No	
Councilperson LaPine	х		
Councilperson Garvey	х		
Councilperson LaForest	Excused		
Councilperson Schueller		Х	
Supervisor Gardner	х		

Resolution 32-2016 is being made to advertise for a Zoning/Code Enforcement Officer on 2/13, 2/14 and 2/15. Applications must be in by February 26, 2016

Motion Made By: Bryan Garvey		Seconded By:	Gretel Schueller
	Yea	No	
Councilperson LaPine	Х		
Councilperson Garvey	х		
Councilperson LaForest	Excused		
Councilperson Schueller	х		
Supervisor Gardner	х		

Resolution 30-2016 is being made to appoint the following unexpired position:

Jonathan Pribble to Planning Board Member with a Term to Expire 12/31/18

Motion Made By: Bryan Garvey		Seconded By:	Claire LaPine
	Yea	No	
Councilperson LaPine	х		
Councilperson Garvey	х		
Councilperson LaForest	Excused	t	
Councilperson Schueller	Х		
Supervisor Gardner	х		

Resolution 33-2016 is being made to appoint the following unexpired position:

Richard Teitelbaum to Zoning Board of Appeals with a term to expire on 12/31/2017.

Susan Cerny to Zoning Board of Appeals with a term to expire on 12/31/2016

Motion Made By: Claire LaPine		Seconded By:	Bryan Garvey
	Yea	No	
Councilperson LaPine	Х		
Councilperson Garvey	Х		
Councilperson LaForest	Excused	t	
Councilperson Schueller	Х		
Supervisor Gardner	х		

Supervisor Gardner stated that the town has received the new appraisal on the Stone Church. It came in at \$83,000. He thinks that it is low and he would like to table this until the full board is here. He suggest that at that time it go out for a sealed bid, disclosing all the issues. This will be on the next board agenda.

Supervisor Gardner has suggested that we go out for an RFP (Request for a Proposal) on at least two of the rooms that are directly above the meeting room. He has looked at the rooms with Lauren and they can be made into two offices.

The question of accessibility was discussed. A motion was made by Claire LaPine and seconded by Bryan Garvey to do a RFP on the two rooms upstairs. All in favor no nays.

Supervisor Gardner said he has received proposal from a company for finding water leaks in our system. The proposal was for \$1500. There are not many companies that do this and Susan Kennedy from DOH suggested them. NY Rural Water does this but not for the whole town, only one leak at a time. Gretel asked if there was any liability on the contractor who did the original work on the leaks that we may find. Supervisor Gardner said that that was all signed off on and that we are only responsible to the shut off.

Motion by Bryan Garvey and seconded by Claire LaPine to pay Abstract 2016-2 of \$17440.15 prepaid, 4216216.09 unpaid.

ica	NO	
Councilperson	LaPine	Х
Councilperson	Garvey	Х
Councilperson	LaForest	Excused
Councilperson	Schueller	Х
Supervisor Gar	rdner	Х

Supervisor Gardner asked if there were any questions concerning any of the reports received. There were none.

Patricia Gardner gave a report of the Web site. With the Town Boards approval we will launch it, to which all agreed it was good to go. The web site is essexnewyork.com. We also started a twitter account that will let those signed into it through your text messenger on your phone, you will receive all important notices or emergencies that may arise within our town. To get this access, type 40404 in the address line and in the message type Follow EssexNewYork. Then send the message. You will receive a return text telling you that you have joined. Gretel asked if any other content was going to be added. Pat responded not that she knew of and that the committee wanted to keep the page simple.

At 7:25 Supervisor Gardner made a motion to go into executive session to discuss the employment history of a particular person, seconded by Claire LaPine.

At 7:40 Bryan Garvey made the motion to come of executive session, seconded by Claire LaPine. No decisions were made in executive session.

Claire LaPine reported that she and Gretel completed the annual audit of accounts with the help of Cathy Persons. All were in order. The Highway Superintendent though must complete an inventory of all equipment and submit it for review.

Tina Gardner asked to speak. She questioned the double standard here with the CEO when on the Department of Health's web site Derrick Wrisley is not listed as a licensed water operator. Supervisor Gardner responded that this was news to him and that he would call the Department of Health tomorrow to check into it.

Byan Garvey made a motion to adjourn the meeting and Claire seconded it. All in favor no nays.